

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDNA IGARTUA, : X

Plaintiff, :

-against- :

THE POLICE DEPARTMENT; DETECTIVE :
JOHNSON, :

Defendants. :
X

MEMORANDUM & ORDER

19-cv-5831 (ENV)

VITALIANO, D.J.

Plaintiff Edna Igartua, proceeding *pro se*, filed this action on October 9, 2019. On November 6, 2019, the Court dismissed this case and ordered Igartua to show cause within 14 days why she should not be enjoined from filing future *in forma pauperis* actions in this Court without leave to file. The Court noted that Igartua has filed at least six other actions in the Eastern District of New York, all of which have been dismissed.¹ Igartua was warned in previous orders that “[i]f a litigant has a history of filing vexatious, harassing or duplicative lawsuits, courts may impose sanctions, including restrictions on future access to the judicial system.” *Hong Mai Sa v. Doe*, 406 F.3d 155, 158 (2d Cir. 2005) (internal quotation marks omitted). Igartua was specifically warned that further duplicative lawsuits may result in a filing injunction that will prevent her from filing new lawsuits without prior leave of the Court. Igartua has not responded to the order to show cause nor otherwise offered any reason why she should not be barred from filing future *in forma pauperis* complaints. In the absence of any explanation,

¹ See, e.g., *Igartua v. Dep’t of Homeless Servs.*, 16-cv-2645 (ENV); *Igartua v. The Police Dep’t*, 16-cv-2644 (ENV); *Igartua v. Hawkins*, 15-cv-3807 (ENV); *Igartua v. Dep’t of Homeless Servs.*, 15-cv-3806 (ENV); *Igartua v. Hawkins*, 10-cv-4460 (ENV); *Igartua v. Dep’t of Homeless Servs.*, 10-cv-940 (ENV).

the Court finds that Igartua's frequent frivolous filings detract from the legitimate cases before the Court.

Conclusion

Accordingly, Igartua is enjoined from filing any further *in forma pauperis* actions in the Eastern District of New York without first obtaining leave of Court. To eliminate the need to write a decision every time she makes a frivolous filing (because that would largely defeat the purpose of the injunction), the injunction shall be implemented as follows: First, the Clerk of Court is directed to open a miscellaneous case entitled "*In re Edna Igartua*," and to file a copy of this order under that docket number. The matter is then to be administratively closed. Any further filings by Igartua shall be filed only under that miscellaneous docket number. The Court will review each filing to determine whether it is frivolous or fails to state a claim. If it is frivolous or fails to state a claim, no further action will be taken. If it states a claim, the Court will direct the Clerk of Court to open a new civil matter in which those documents will be filed, and it will proceed as a new case in the ordinary course.

Nothing in this writing shall be construed to prohibit plaintiff from filing an appeal of this order, but the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to enter judgment in this action and to close the case.

So Ordered.

Dated: Brooklyn, New York
December 26, 2019

s/Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge